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C O N F I D E N T I A L SECTION 01 OF 02 KINSHASA 001323

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KPKO](#) [CG](#)

SUBJECT: ELECTION LAW MOVING TO CENTER STAGE

REF: KINSHASA 1320

Classified By: Ambassador Roger Meece. Reason 1.4 (b/d).

1. (C) The next major step needed for DRC elections is an election law to provide statutory authority and to specify the legal parameters for general elections. The issue has been receiving considerable attention in Kinshasa, most recently in the August 15 meeting chaired by President Kabila involving the DRC's Vice Presidents, National Assembly and Senate Presidents, the Ministers of Interior and Defense, Independent Election Commission (CEI) President Malu Malu, other senior GDRC officials, and the Ambassadors/Charges representing the International Committee to Accompany the Transition (CIAT). The bulk of discussion in that meeting focused on urgent logistical problems in the ongoing voter registration process (reported refTel), but discussion was also devoted to the election law initiative.

2. (SBU) The election law project has been high on the agenda for senior GDRC officials and CIAT members for some time. The last meeting of the Mixed Commission for Essential Legislation in July, involving CIAT Ambassadors and the Parliamentary leadership, built on previous discussions to outline a proposed course of action. A draft text for the law has already been prepared by a team of Congolese and international experts. This draft includes some alternative policy options, in particular for the politically sensitive issue of future parliamentary representation, focused on potential proportional vs. first-past-the-post majority representation or some mix of the two, and control of nomination lists. The next step is for the executive branch of the Transition Government to prepare a proposed final draft to be presented to the parliament.

3. (C) In the August 15 meeting, Vice President Ruberwa reported that he plans to convene the Transition Government Political Committee this week to review the current draft language and push forward the government's work to prepare a final draft. That draft, to be produced at a working level within the Interior Ministry, will be presented to the Council of Ministers for approval prior to formal submission to the Parliament. There was broad agreement in the August 15 meeting on the necessity of convening a special September session of the Parliament for the purpose of reviewing the draft law and reaching agreement on a final approved text. (Note: The next scheduled Parliamentary session is for October, a session that is in theory to review and approve a 2006 budget. End note.) A formal vote to adopt the election law, however, legally cannot be held prior to approval of the DRC's new Constitution in a referendum scheduled for late November. The idea is to have the draft law approved and ready, so that a rapid pro-forma Parliamentary adoption vote can be held immediately following referendum endorsement of the new Constitution. While the formal adoption vote cannot be held immediately, it is important to have the conditions of the elections and the system of parliamentary representation specified, to enable other election preparatory work to go forward on a timely basis, and to allow political parties to organize their own election and campaign strategies.

4. (C) The Ambassador has a meeting scheduled with Vice President Ruberwa for August 17, and will followup regarding the status of the needed Political Committee meeting, and again reiterate the need for timely action.

5. (C) Comment: The representation formula and control of the nomination lists are highly sensitive subjects with broad implications for the future elected government. There is widespread agreement among Congolese and international experts that at least some form of proportional representation must be included in the future National Assembly, for example, to ensure adequate participation in the future government by members of the DRC's highly diverse ethnic, regional, and political groups. At the same time, it is also well recognized that the large majority of Congolese are focused on voting for individuals rather than for political parties per se, a tendency that will likely be magnified in selections for parliamentary and local representatives from local districts. Control of the nomination lists is key as well, potentially handing a powerful tool to senior party chiefs. It will be important to keep DRC political leaders in all parties focused on the need for timely agreement on these sensitive topics - with of course major implications for the potential future job

prospects for the members of Parliament themselves. Most of the rest of the voluminous election law draft is highly technical in nature. End comment.

MEECE